

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:10 CV 275**

**W. KENNETH CONSTANZO, DAVID )  
A. GREFE AND WIFE LISA M. GREFE,) )  
CARL W. COLMAN, ROBERT F. )  
COLEMAN AND WIFE MARY ANN )  
COLEMAN AND 182 INVESTMENTS, )  
LLC, )**

**Plaintiffs,**

**Vs.**

**SYNOVUS FINANCIAL CORP. )  
D/B/A NATIONAL BANK OF SOUTH )  
CAROLINA AND NBSC )  
CORPORATION, )**

**Defendants.**

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**ORDER**

**THIS MATTER** is before the court pursuant to a certificate of initial conference (#10) which was filed by defendants on February 24, 2011. An examination of the file in this cause now shows that a Motion to Dismiss the plaintiffs' Complaint was filed by defendants on March 4, 2011. As a result of this Motion to Dismiss, there has not been a joinder of issues in this case and the undersigned finds that the entry of a Pretrial Order and Case Management Plan pending the resolution of the Motion to Dismiss would be premature.

## **ORDER**

**IT IS, THEREFORE, ORDERED** that the pleading entitled “Synovus’ Proposed Discovery Plan” (#10) which the undersigned has considered as a certification of initial attorney’s conference is hereby **STRICKEN** without prejudice pending resolution of defendants’ Motion to Dismiss.

Signed: March 18, 2011

A handwritten signature in cursive script, reading "Dennis L. Howell", written over a horizontal line.

Dennis L. Howell  
United States Magistrate Judge

